

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON(s)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

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**GOVERNMENT'S SUPPLEMENTAL RESPONSE
TO STANDING DISCOVERY ORDER**

The United States of America, by and through the Special Counsel's Office, files this pleading to supplement prior responses (ECF Nos. 30, 59, 80, 92, 113, 122, 143, 172, 184, 190, 199, 204) to the Standard Discovery Order, issued on June 13, 2023 (ECF No. 16). This pleading complies with Local Rule 88.10 and Federal Rule of Criminal Procedure 16.

Per the protective order issued in this case (ECF No. 27), the Government has provided seven prior productions of unclassified discovery to Defendants Donald J. Trump, Waltine Nauta, and Carlos De Oliveira. *See* ECF Nos. 30, 59, 80, 92, 113, 122, 143, 172, 184. On December 6, 2023, the Government provided an eighth production of unclassified discovery to counsel for Defendants ("Production 8"). Production 8 consists of approximately 2,000 pages and includes, *inter alia*, material previously produced in classified discovery that is unclassified or for which the relevant equity holder(s) have determined that the documents no longer need to be protected through classification and have declassified them.

Per the CIPA Section 3 protective orders issued in this case (ECF Nos. 150, 151, 152), the Government has provided five prior productions of classified discovery. *See* ECF Nos. 158 at 3; 165 at 5-6; 173 at 5-6; 187 at 5-7; 190; 199; 204. On December 1, 2023, the Government placed a sixth production of classified discovery (“Classified Production 6”) in an accredited facility in the Southern District of Florida, which was transferred to the defense SCIF on December 5, 2023, once a CISO was available to receive it. Classified Production 6, which consists of less than 90 pages, includes (1) additional materials related to the Original Classification Authority reviews conducted in this case, and (2) additional documents related to a specific indictment count. On December 6, 2023, the Government placed a seventh production of classified discovery (“Classified Production 7”) in an accredited facility in the Southern District of Florida, which will be transferred to the defense SCIF on December 7, 2023. Classified Production 7 consists of a single page.

The Government responds to the specific items identified in the standing discovery order as set forth below.

- B. **DEMAND FOR RECIPROCAL DISCOVERY:** The United States requests the disclosure and production of those items described and listed in paragraph B of the Standing Discovery Order, and as provided by Federal Rule of Criminal Procedure 16(b).
- C. The Government is providing information or material known to the United States that may be favorable to either defendant on the issues of guilt or punishment within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963), or *United States v. Agurs*, 427 U.S. 97 (1976).
- D. The Government has disclosed and will continue to disclose any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective Government witnesses, within the scope of *Giglio v. United States*, 405 U.S. 150 (1972), or *Napue v. Illinois*, 360 U.S. 264 (1959).
- J. The Government’s discovery productions include the grand jury testimony and recordings of witnesses who may testify for the Government at the trial of this case.

The Government is aware of its continuing duty to disclose newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, *Brady*, *Giglio*, *Napue*, and the obligation to assure a fair trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 6, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Julie A. Edelstein

Julie A. Edelstein
Senior Assistant Special Counsel